

Minutes

**Agricultural & Natural Resources Advisory Committee
Thursday, January 12, 2012, at 9:00 am
Charlotte County Administrative Center
18500 Murdock Circle, Room #B-207
Port Charlotte, FL 33948-1094**

MEMBERS PRESENT

Mike Jones, Chairman
Andy Dodd, Vice Chairman
Chris Hencher
Matthew Sullivan, Jr.
Fred Walters, Secretary
Orrin Webb

MEMBERS EXCUSED

Dan Ryals
Wes Brumback

MEMBERS ABSENT

GUEST

Mr. Ron Hamel

STAFF

Matt Trepal, Staff Liaison
Inga Williams, Principal Planner
Ralph Mitchell, Staff Liaison
Gayle Moore, Recording Secretary

CALL TO ORDER/ROLL CALL/DETERMINATION OF QUORUM

The **January 12, 2012**, meeting of the ***Agricultural and Natural Resources Advisory Committee*** was called to order at 9:06 a.m. by ***Chairman Jones*** who noted that there was a quorum present.

ADDITIONS/DELETIONS TO AGENDA

None.

APPROVAL OF MINUTES

Mr. Dodd moved approval of the minutes of the November 10, 2011 meeting, second by ***Mr. Sullivan***. The motion carried with a unanimous vote.

COMMISSIONER COMMENTS

Commissioner Duffy mentioned that there has been recent discussions regarding commission liaison attendance at this committee and therefore the Commissioner who

attends may change, but two Commissioners cannot be present together under the Sunshine Law. She also noted that the mining ordinance is under discussion, the hearing on it having been postponed briefly. **Commissioner Duffy** said she has gotten feedback from people in the mining community, and that there had been a recommendation from another Commissioner to raise fees to cover associated costs, but she noted that there are other things that need to be changed, such as the ability to keep the dirt on the property. She said that she believes property-owners should be able to keep or sell the dirt, and that is the position she plans to take in the upcoming discussions. She also said there should be no increases for FARMS project fees. **Commissioner Duffy** said she would defer further discussion until Ms. Williams joins the meeting.

Chairman Jones referenced having participated in the five of the public meetings on the subject (speaking here of the old version, not the new initiative) and how the original ordinance has been burdened with additions over time. **Commissioner Duffy** invited him to share his insight and comments with her at any time. She stated that the only reason she supported the original 'bureaucratic' process was to protect Jones Loop Rd. and she also noted that Joanne Vernon is in charge of the new process. **Chairman Jones** asked Mr. Trepal about where staff is in the process of drafting the new language; **Mr. Trepal**, noting he had not been involved in the process, suggested they await Ms. Williams, who would be able to comment more accurately.

NEW BUSINESS

Chairman Jones noted that it was time to set up a nominating committee and to address other membership tasks, including the election of officers and also to nominate a new person for the Range, Timber and Wildlife seat formerly held by Arnie Sarlo. Noting that neither the Chair nor the Vice-Chair can be on the nominating committee, **Chairman Jones** asked Matt Sullivan, Chris Hencher and Wes Brumback to be on the committee, and to have by the next meeting their recommendations for the three officers and for filling the vacant seat. In response to a question, **Chairman Jones** confirmed that the vacant seat would need to be filled by someone who resides in or owns property in Charlotte County, and/or who works in the industry. **Chairman Jones** stated that he would provide a copy of the ANRAC by-laws to the committee members for their reference in this task.

OLD BUSINESS

Chairman Jones then reviewed Mr. DeHaven's presentation made at the November meeting and mentioned that he was in subsequent meeting in which he got additional information; there is apparently still a lot of money left in programs in the district. Much was unspent and has gone to the general budget, and therefore **Chairman Jones** recommended that ANRAC send a letter to the Board of Commissioners voicing support for the District's involvement in the FARMS program, and also to recommend that the Commissioners communicate their support and concerns to the District as well. He noted that there will be a big staffing reduction for the District soon, and again in July, which will affect core programs, and concluded that ANRAC needs to make known their support for these programs. **Chairman Jones** asked for a motion to send such a letter to the Charlotte County Board and **Mr. Sullivan** made the motion, seconded by **Mr. Hencher**, requesting support for the FARMS program; the motion passed unanimously.

Commissioner Duffy suggested the letter go to Commissioner Constance as Chair, and she offered to bring the matter up for discussion at the meeting to inform him of the issues;

in furtherance of that, she asked that she also receive a copy of the letter. **Chairman Jones** accepted the offer of her assistance. Further discussion ensued on this subject.

Discussion on the Revised Excavation language was deferred to later in the agenda, awaiting the arrival of Ms. Williams.

EPA/DEP Numeric Standards and Statewide Stormwater Rule Update

The Chair stated there was nothing new to report on this subject; the matter is still in technical committee review, and they are seeking to incorporate received comments into the review. It's clear from comment among those in the industry that this is requiring burdensome additional costs.

Cooperative Conservation Blueprint (CCB) and CLIP update

In response to a question from the Chair, **Mr. Dodd** stated there was nothing new on this matter; he stated that he thought perhaps their funding had run out at end of 2011.

CORRESPONDENCE AND COMMUNICATIONS

There being no correspondence or communication to report on, the Chair called for public comments.

PUBLIC COMMENTS

There was an exchange with **Guest Barbara Carlton** regarding her recent TV appearance; she stated that her goal in that appearance was not to say all that much on the subject (fungicide in Brazilian orange juice); concern was expressed by **Mr. Hamel** and **Ms. Carlton** over the general perception among the public turning negative on the product, regardless of the reporting that included a statement that there was "no threat". **Chairman Jones** said that there is a tie-in here to the numeric nutrients standards, in that improvements in analytic tools now produce ppb measures instead of ppm. This tends to create more alerts as more variables can be measured, even though they might not represent a threat; as reported by the media and understood by the lay public, it is all the same.

STAFF COMMENTS

Mr. Ralph Mitchell had a "laundry list" of things, including information on the landscape gardening series of the Florida Master Gardeners program; the March 8th start of the Master Gardener training program and news of other similar programs. The next Green Industries/BMP for the fertilizer ordinance is coming up on January 26th (it is offered monthly) as well as a limited commercial applicator's training. Mr. Mitchell brought handouts regarding these programs.

Mr. Trepal was called on next, and he reported on progress to the revisions of Land Development Regulations, noting that the group aimed to have a copy online for public review by May, and staff is working with our IT department to create the same kind of online review functionality as there was with the Comprehensive Plan.

Recent topics in the update process included the issue of farm labor housing, and **Mr. Trepal** invited comments from the group. He provided a brief outline of the concerns as they are currently understood but requested that the membership update those as appropriate. **Chairman Jones** asked if there was a specific planning criteria for things like how such housing is defined; **Mr. Trepal** responded that the focus was specifically on seasonal farm labor, not permanent residents of the area, and he noted that this would be concerned with multi-family housing in the area. This could take the form of mobile home parks on the work sites or dormitory-style living; such accommodations would not be considered density as permanent residences are. He emphasized that there is currently no real criteria and this is what staff is seeking to create. **Chairman Jones** responded with some real-world examples of circumstances, contrasting the circumstance of a property owner coming in to the County to get living facilities permitted with a jobber who provides regional facilities offering centralized living facilities for day laborers to go to various farms in the neighborhood, rather than living on the land where they work.

Ms. Inga Williams joined the meeting at 9:30 a.m.

Mr. Trepal separated the issue of whether laborers are housed where they work from staff's concern with making sure the housing is safe and sanitary, but indicated that the jobber approach should probably be considered as well. He briefly explained aspects of the Use Chart of the Land Development Regulations, particularly the interaction with obtaining approvals based on what is permitted vs. what requires a special exception, or what may get a conditional approval, and what the difference is in getting approvals. **Mr. Walters** suggested reviewing Collier County ordinances and basing their discussion on that, since they've already invented this wheel. **Mr. Hamel** noted that this whole farm labor housing aspect of the industry is in review, and participants don't necessarily know yet where it's headed; but he agreed that Collier is a good place to start looking at what ordinances already have done. **Mr. Walters** also mentioned that there are two tiers of farm labor to be considered: A caretaker in a trailer vs. dormitory-style housing for labor; in addition there are the federal H2A program standards which are already highly regulated. **Mr. Hamel** pointed out that the matter already receives pretty intense overview, and **Mr. Trepal** noted that the County doesn't need or want to duplicate efforts.

Mr. Sullivan asked how staff distinguished between seasonal or permanent residency; **Mr. Trepal** agreed that it's not easy to describe or to enforce, the same as it is with RV parks that are meant to be seasonal. He stated that the goal is simply not to have apartment complexes start showing up in the rural areas where the infrastructure is not available to handle it. **Mr. Dodd** noted that impact fees at the current tiered system would preclude such a building; there's no need for code as long as you have the impact fees so high. **Mr. Trepal** agreed that workers living and working in the same place, without much traveling and therefore with less impact on roads, would suggest the fee structure should be reviewed. **Chairman Jones** suggested there would be a statement coming from ANRAC that would speak to that; further discussion ensued on the matter.

Chairman Jones, recognizing Ms. Williams, asked about the Excavation ordinance rewrite. **Ms. Williams** responded that she had just completed an initial draft last week, and had distributed it [to staff](#) for comments. She noted that it carried over some requirements from existing code, but also made big changes: There are no longer "groups"; if you're exempt, you don't interact with the County at all, you just do your excavating. There would only be a problem if the exemption requirements were not met.

Ms. Williams said that there will also be an Administrative review (which is the regular building permitting process); large commercial projects will still have to go before the Hearing Examiner. Earthmoving has been included, which improves the original code that was really just about excavations; there's now a stockpiling permit, creating a process where there wasn't one before.

Ms. Williams said she is depending on staff comments for further clarification on what material really needs to be in the new code. Projects in Administrative Review (currently Group II) will just go to Joanne Vernon; larger projects go to the Hearing Examiner; and permit timelines on large Group IV projects have been increased to 10 years from 5 years (small scale projects are still five years). **Ms. Williams** called on the ANRAC membership for specific comments on situations where you've had problems in the past, so all variations can be addressed.

Chairman Jones asked her to describe the distinction between the small scale and what used to be the Group IVs; she responded that in the small scale projects all dirt remains on site while in the new code (excepting inside USA), the rule would be that the dirt can be taken off the site as long the fee is paid that anyone else would pay to take dirt. Large scale Group IV projects remain at 10% or 100 acres. **Chairman Jones** asked when there would be public review; **Ms. Williams** responded that would be when the completed Land Development Regulations go online, which is expected to be in May.

Commissioner Duffy mentioned that she had spoken with Lady Moon Farms which wants to expand; they made a good point about the 10% thing. **Ms. Williams** clarified that the 10% is a from the state regulation, not set by the County; she noted that she had asked the state what the requirements were, and the state provided a chart. **Mr. Sullivan** confirmed that it is generally reasonable, noting that depth is a factor as well.

Commissioner Duffy asked about dirt on the property and the inability of people to get it off their property; **Ms. Williams** responded that under the new code, if users pay the same fee as any commercial operation, they can move the dirt. **Commissioner Duffy** asked what about the option of giving the dirt away for free; **Ms. Williams** responded that the activities still have an impact on the roads. There is no fee set at this time, though Department Director Dan Quick has suggested that new regulations and fee structure be brought forward in advance of the rest of the LDRs, so that's an option being considered. **Commissioner Duffy** asked if the proposed fees were on the web yet; **Ms. Williams** said that if the agenda packet is online, the information would be in that packet, keeping in mind that the item would be pulled at some point. **Mr. Dodd** asked when the members will be able to see the proposed language, and **Ms. Williams** responded that as soon as the staff review is completed, it will be distributed to the Committee; she felt this would definitely be before the March meeting.

There were no further staff comments.

MEMBER COMMENTS

There were no additional Member comments.

Commissioner Duffy spoke briefly about the Cheney Brothers project. **Chairman Jones** asked about the Piper Rd. issues; **the Commissioner** responded that there would be a meeting next week on road projects.

FUTURE MEETING TOPICS

Chairman Jones said the group would continue discussion next month on worker housing and the new mining ordinance and asked if there were any further requests for items on that agenda; there were none suggested. He noted members would be polled regarding attendance about a week before the meeting date, according to the recently-established procedure.

NEXT MEETING

❖ *March 8, 2012 at 9:00 a.m. in Room B-207*

ADJOURNMENT

The meeting was adjourned at 10:03 a.m. as moved by **Mr. Sullivan** and seconded by **Mr. Hencher**.

Approved by the Committee on:
March 8, 2012

And accepted by the Secretary:
